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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 FRANCIS X. DUMONT,

17 Plaintiff,

18 vs.

19 LEO A. DALY COMPANY,

20 Defendant.

21 Case No. 2:16-cv-02864-APG-PAL

22 **STIPULATION AND ORDER TO
23 VACATE HEARING ON 11/14/2017,
24 at 2:00 P.M., PURSUANT TO
25 AGREEMENT OF PARTIES**

26 Defendant Leo A. Daly Company (“Defendant”) and Plaintiff Francis X. Dumont
27 (“Plaintiff”), by and between their respective counsels, hereby stipulate and agree that the Hearing
28 currently scheduled by this Court on Tuesday, November 14, 2017, at 2:00 p.m., be vacated
1 pursuant to the Parties’ agreement resolving the pending motions. This stipulation is submitted and
2 based upon the following:

3 1. On October 6, 2017, Defendant filed an Emergency Motion to Quash Subpoena
4 (ECF No. 43), and an Emergency Motion for Protective Order to Preclude the Deposition of Leo
5 A. Daly, III (ECF No. 44) (collectively the “Motions”).

6 2. On October 20, 2017, the Court issued a Notice of Hearing setting the Motions for
7 Hearing on November 14, 2017, at 2:00pm.

8 3. After further meet and confer efforts, the Parties have agreed to resolve the discovery
9 disputes at issue in the Motions and stipulate as follows:

10 a. As to the Motion to Quash Subpoena (ECF No. 43), the parties stipulate and

agree that Defendant will produce the following records no later than 5:00p.m., on November 15, 2017: all Incentive Compensation Plan (“ICP”) Calculation Sheets, for Fiscal Years Ending 2012-2014, for all ICP participants in Defendant’s Las Vegas and Omaha Offices; and, Plaintiff will forego seeking production of emails identified in Defendant’s Privilege Log that was produced in response to Plaintiff’s Requests for Production of Documents (all other records sought by Plaintiff’s subpoena were produced in discovery);

b. As to the Motion for Protective Order to Preclude the Deposition of Leo A. Daly, III (ECF No. 44), the parties stipulate and agree that Defendant will not call Mr. Leo A. Daly, III, as a witness nor seek to offer his testimony in this case; and Plaintiff will no longer seek to take Mr. Daly's deposition;

c. The Motions and all disputed subjects therein are resolved by the Parties' stipulation and agreement; and,

d. The Parties stipulate and respectfully request the Court vacate the Hearing set on Thursday, November 14, 2017.

Dated this 13th day of November, 2017.

PAUL PADDA LAW, PLLC

JACKSON LEWIS P.C.

/s/ Paul S. Padda

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*Attorneys for Defendant
Leo A. Daly Company*

ORDER

IT IS SO ORDERED:

Troy A. Teeguarden
United States District Judge/Magistrate
Dated: November 14, 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 14th day of November, 2017, I caused to be served via the Court's CM/ECF Filing, a true and correct copy of the above foregoing **STIPULATION AND ORDER TO VACATE HEARING ON 11/14/2017, at 2:00 P.M., PURSUANT TO AGREEMENT OF PARTIES** to the following:

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Joshua Y. Ang
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*Attorneys for Plaintiff
Francis X. Dumont*

/s/ Kelley Chandler
Employee of Jackson Lewis P.C.

4820-5254-1781, v. 1